

# State Council of Higher Education for Virginia

## ADDENDUM A

### Descriptions and Domicile Eligibility Status for Various Categories of Aliens

#### Referenced in the Guidelines for Determining Domicile and Eligibility for In-State Tuition Rates

The following tables list the various types of legal status or documentation that an “alien” – a person who is not a United States citizen or national – might possess.

#### **IMPORTANT:**

A classification of “**Eligible**” means the document holder is eligible to establish domicile and the institution can proceed with the review. Unless otherwise indicated, the individual must be approved and current in the document in order to be reviewed under the document.

A classification of “**Ineligible**” means the document holder does not possess the legal ability to establish domicile in Virginia. Such individual is not eligible for in-state tuition via domicile review and cannot assume the domicile of another person.

**NOTE:** Due to the dynamic nature of immigration law, it is not possible to ensure every nuance of the immigration process in this Addendum. For domicile eligibility of any other classification, visa, or documentation not covered by this Addendum, contact SCHEV or immigration counsel for guidance.

Eligibility Classification	Document	Description	Government Information
<b>Adjustment of Status Applicants</b>			
<b>Eligible</b>	I-797 Receipt Notice	<p>An alien who has, individually, filed an application for Adjustment of Status, as evidenced by an I-797 Receipt Notice, and the application remains pending with USCIS. Such individuals may be reviewed for domicile.</p> <p>Note that approved immigrant petitions - such as, but not limited to, the I-130 family-based petition, I-140 employment-based petition, or the various I-360 Special Immigrant petitions - required in advance of requesting adjustment of status do not by themselves qualify an individual to have the intent to remain.</p>	

<b>Asylees / Asylum</b>		
<b>Eligible</b>	See text	Asylees are individuals who have been approved for asylum in the United States. Proof of asylum will include either a court order granting asylum, an I-94 card noting asylum, an asylum approval letter from an immigration office, or an Employment Authorization Document (I-766) showing category (a)(5). Such individuals may be reviewed for domicile. Pending asylum claims are not eligible for domicile review.
<b>Amnesty (Legalization) program</b>		
<b>Eligible</b>	See text	Beneficiaries of various legalization programs in the 1980s and early 1990s will generally already be Lawful Permanent Residents. People who have not completed the Permanent Residence process will hold Forms I-688, I-688A, I-688B, or an Employment Authorization Document (I-766) showing category (a)(13). Such individuals may be reviewed for domicile.
<b>Compact of Free Association</b>		
<b>Eligible</b>	See text	Citizens of Palau, Micronesia, and Marshall Islands may be admitted under the Compact to live, study, and work in the United States for an indefinite length of time. Evidence of such an admission will be in the form of an I-94 record showing CFA/FSM, CFA/MIS, or CFA/PAL or an Employment Authorization Document (I-766) showing category (a)(8). Such individuals may be reviewed for domicile.
<b>Conditional Permanent Resident</b>		
<b>Eligible</b>	I-551 Card or I-551 Stamp in Passport or Stamped Immigrant Visa in Passport or I-797 Receipt Notice if applicable	<ul style="list-style-type: none"> <li>• A "conditional resident" is a Lawful Permanent Resident in every respect, except the initial card will be issued for two years.</li> <li>• "Conditional residents" will be those who obtained their Lawful Permanent Resident status based on a marriage entered into less than two years prior to the approval or based on an EB-5 investment. Marriage-based conditional residents are required to file an I-751 petition within 90 days prior to expiration of their conditional card. EB-5-based conditional residents are required to file an I-829 petition within 90 days prior to expiration of their conditional card.</li> <li>• The pending I-751 or I-829 will extend the person's Lawful Permanent Resident Status for as long as the petitions remain pending, and the individual should present an I-797 receipt notice showing that they have petitioned to have the conditions lifted.</li> <li>• In these cases, the institution should assume that the conditional basis will be removed and analyze the alien as a lawful permanent</li> </ul>

resident; however, the institution should verify at the appropriate time that the conditional basis of the alien's permanent resident status has in fact been removed. If permanent residence status is terminated by Immigration, the institution may reconsider the individual's application for in-state status. Such individuals may be reviewed for domicile.

#### Deferred Action for Childhood Arrivals

<b>Eligible</b> <b>See notes</b>	I-797 approval notice for Form I-821D or Employment Authorization Document with category (c)(33)	Individuals who were previously out of status but granted Deferred Action for Childhood Arrivals can form domiciliary intent. Such individuals may be reviewed for domicile.  Note that DACA students are in an unusual legal situation that permits domicile for purposes of securing in-state tuition but are ineligible to receive state grants.	Virginia OAG guidance letter: April 29, 2014
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#### Parolees

Ineligible	I-94 record showing parole entry	A parolee is an alien permitted to enter the United States absent ordinary documentation. Parole does not constitute a formal admission to the United States. Types of parolees include deferred inspection, advance parole, port-of-entry parole, humanitarian parole, and public interest parole. Such individuals are not eligible to be reviewed for domicile.
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#### Permanent Resident (See also Adjustment of Status Applicant)

<b>Eligible</b>	I-551 Card or I-551 Stamp in Passport or Stamped Immigrant Visa in Passport	<ul style="list-style-type: none"> <li>• A permanent resident has been granted the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws.</li> <li>• If the card has expired or the date stamp on the Immigrant Visa page is more than a year old, the individual should have either an I-797 Receipt Notice for I-90 (Application to Replace Permanent Resident Card) or an I-551 stamp in the passport.</li> <li>• Common codes associated with the card are EB5, SQ1, IR2, SL6, etc. These codes reflect the path to obtaining permanent residency; however, the individual is still reviewed under either Permanent Resident or Adjustment of Status Applicant.</li> </ul> <p>Permanent Residents may be reviewed for domicile.</p>
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<b>Refugees</b>			
<b>Eligible</b>	Passport and I-94 with refugee designation or EAD with (a)(3) or (a)(4) category	<p>Refugees are generally admitted into the United States for an indefinite period of time without domiciliary restriction. A refugee carries a passport or I-94 endorsed to show refugee status. Refugee status is indefinite even though some of the I-94s may show an expiration date.</p> <p>Such individuals may be reviewed for domicile.</p>	
<b>Temporary Protected Status</b>			
<b>Eligible</b>	I-797 Approval Notice w/valid date or EAD with (a)(12) category	<ul style="list-style-type: none"> <li>• An alien who is a national of a foreign state designated for Temporary Protected Status (TPS) by the United States government.</li> <li>• While in TPS, the United States shall not remove the alien from the United States during the period in which such status is in effect. The person is provided official government documentation indicating TPS approval.</li> <li>• Person must re-register within 60 days of country being re-designated for TPS; otherwise reverts to status prior to TPS approval (unless expired).</li> <li>• TPS approval supersedes a current F-1 visa for domicile purposes.</li> </ul> <p>Such individuals may be reviewed for domicile.</p>	INA Section 244 8 CFR 244
<b>Undocumented</b>			
<b>Ineligible</b>	Absence of valid current legal status	<ul style="list-style-type: none"> <li>• An "undocumented alien" is one who (i) entered the United States without inspection; (ii) is the subject of exclusion or deportation proceedings; or (iii) was admitted as a nonimmigrant and has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under or to comply with the conditions of any status.</li> <li>• Though each carries its own nuance, the following phrases are considered equivalent for purposes of determining eligibility to establish domicile: "illegal alien," "alien without legal status," "alien unlawfully present," and "alien out of status."</li> </ul> <p>Such individuals are not eligible to be reviewed for domicile.</p>	
<b>Withholding of Removal</b>			
<b>Eligible</b>	EAD with (a)(10) Or immigration court order	<p>The Attorney General may withhold removal of "an alien to a country if the Attorney General decides that the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion." "The law forbids the deportation or removal of such alien."</p> <p>Such individuals may be reviewed for domicile.</p>	INA §241(b)(3)(A) 8 CFR 241(b)(3)(A) 8CFR274a.12(a)(10)

## **Nonimmigrant Classifications and Visas**

**All nonimmigrant visas below must be verified via an I-94 Record or an I-797 Approval Notice.**

The document showing the individual's admission status is the Arrival-Departure Record (Form I-94). This form normally contains the nonimmigrant visa category under which the alien is admitted and an expiration date. The I-797 Notice will contain the same information, and the later-dated document is controlling.

Though each of the following classifications is technically nonimmigrant and usually carries an expiration date, Congress does allow some to legally have the intent to remain in the United States indefinitely and, therefore, establish domicile.

To find a current list of nonimmigrant classes, go to:  
<https://fam.state.gov/FAM/FAM.aspx?ID=09FAM>

### **IMPORTANT:**

A classification of "**Eligible**" means the status holder is eligible to establish domicile and the institution can proceed with the review. Unless otherwise indicated, the individual must be approved and current in the visa or status in order to be reviewed under the visa or status.

A classification of "**Ineligible**" means the status holder does not possess the legal ability to establish domicile in Virginia. Such individual is not eligible for in-state tuition via domicile review and cannot assume the domicile of another individual.

**NOTE:** Due to the dynamic nature of immigration law, it is not possible to ensure every nuance of the immigration process in this Addendum. For the domicile eligibility status of any other Alien classification, visa, or documentation not covered by this Addendum, contact SCHEV or immigration counsel for guidance.

<b>Visa</b>	<b>Eligibility Classification</b>	<b>Description</b>	<b>Government Information</b>
<b>Foreign Government Officials</b>			
A-1	<b>Eligible</b>	Ambassador, public minister, career, diplomatic or consular officer who has been accredited by a foreign government recognized de jure by the United States and who is accepted by the President or by the Secretary of State, and the members of the alien's immediate family. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(A)(i) 8 CFR 214.2(a)
A-2	<b>Eligible</b>	Other foreign government officials or employees who have been accredited by a foreign government recognized de jure by the United States, who are accepted by the Secretary of State, and members of their immediate family. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(A)(ii) 8 CFR 214.2(a)

A-3	<b>Eligible</b>	Attendants, servants, or personal employees of A-1 and A-2, and members of their immediate family. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(A)(iii) 8 CFR 214.2(a)
<b>Visitors</b>			
B-1 B-2 BBBCV	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning and who is visiting the United States temporarily for business or temporarily for pleasure. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(B) 8 CFR 214.2(b)
<b>Aliens in Transit</b>			
C-1 C-1D C-2 C-3 C-4	Ineligible	An alien in immediate and continuous transit through the United States, or an alien who qualifies as a person entitled to pass in transit to and from the United Nations Headquarters District and foreign countries. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(C) 212(d)(8) 8 CFR 214.2(c)
<b>CNMI-Only Transitional Worker</b>			
CW 1 CW 2	Ineligible	Transitional worker from Commonwealth of the Northern Mariana Islands. Such individuals are not eligible to be reviewed for domicile.	8 CFR 214.2(w)
<b>Crewmen</b>			
D-1 D-2	Ineligible	An alien crewman serving in good faith as such in a capacity required for normal operation and service on board a vessel, or aircraft, who intends to enter temporarily and solely in pursuit of the calling as a crewman and to depart from the United States with the vessel or aircraft on which arrived or some other vessel or aircraft. Such individuals are not eligible to be reviewed for domicile.	INA section 101(a)(15)(D) 8 CFR 214.2(d)
<b>Treaty Traders and Treaty Investors</b>			
E-1 E-2	<b>Eligible</b>	An alien entitled to enter the United States under and in pursuance of the provisions of a treaty of commerce and navigation between the United States and the foreign state of which the alien is a national, and the accompanying spouse and children of any such alien. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(E)(i) 101(a)(15)(E)(ii) 8 CFR 214.2(e)(1) 8 CFR 214.2(e)(2)
E-3	<b>Eligible</b>	An alien entitled to enter the United States solely to perform services in a specialty occupation in the United States if the alien is a national of the Commonwealth of Australia. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(E)(iii) 8 CFR 214.2(e)(3)

<b>Academic Students</b>			
F-1	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(F)(i)  8 CFR 214.2(f)
F-2	Ineligible	The alien spouse and minor children of any F-1 alien. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(F)(ii)  8 CFR 214.2(f)
<b>Foreign Government Officials to International Organizations</b>			
G-1	<b>Eligible</b>	A designated principal resident representative of a foreign government recognized de jure by the United States, which foreign government is a member of an international organization under the International organizations Immunities Act (59 Stat. 669) 22 U.S.C. 288, note, accredited resident members of the staff of such representatives, and immediate family members. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(G)(i)  8 CFR 214.2(g)
G-2	Ineligible	Other accredited representatives of such a foreign government to such international organizations, and the members of their immediate family. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(G)(ii)  8 CFR 214.2(e)(1)
G-3	<b>Eligible</b>	An alien able to qualify under G-1 or G-2 above except for the fact that the government of which such alien is an accredited representative is not recognized de jure by the United States, or that the government of which the alien is an accredited representative is not a member of such international organization, and the immediate family members. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(G)(iii)  8 CFR 214.2(g)
G-4	<b>Eligible</b>	Officers, or employees of such international organizations, and the members of their immediate family. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(G)(iv)  8 CFR 214.2(g)
G-5	<b>Eligible</b>	Attendants, servants, and personal employees of any such representative, officer, or employee, and the members of the immediate families of such attendants, servants, and personal employees. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(G)(v)  8 CFR 214.2(g)
<b>Temporary Workers</b>			
H-1B	<b>Eligible</b>	An alien who is coming temporarily to the United States to perform services in a specialty occupation or other qualifying occupation. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(H)(i)(b)  8 CFR 214.2(h)(4)

H-1B1	Ineligible	Workers from Chile and Singapore. Relevant trade agreements require them to enter "without the intent to establish permanent residence." Such individuals are not eligible to be reviewed for domicile.	
H-1C	Ineligible	Nurses going to work for up to three years in health professional shortage areas. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(H)(i)(c)  8 CFR 214.2(h)(3)
H-2A	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning who is coming temporarily to the United States to perform agricultural labor or services. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(H)(ii)(a)  8 CFR 214.2(h)(5)
H-2B	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning who is coming temporarily to the United States to perform other temporary service or labor. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(H)(ii)(b)  8 CFR 214.2(h)(6)
H-3	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning who is coming temporarily to the United States as a trainee. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(H)(iii)  8 CFR 214.2(h)(7)
H-4	<b>Eligible</b>	The alien spouse or minor child of an H-1B visa holder. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(H)(iv)  8 CFR 214.2(h)(9)(iv)
H-4	Ineligible	Spouse or child of H-1B1, H-2A, H-2B, or H-3 alien. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(H)(iv)  8 CFR 214.2(h)(9)(iv)
<b>Foreign Media Representatives</b>			
I	<b>Eligible</b>	An alien who is a bona fide representative of foreign press, radio, film, or other foreign information media, who seeks to enter the United States solely to engage in such vocation. The spouse and children accompanying or following such a representative. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(I)  8 CFR 214.2(i)  Dept. of State: Revalidation of "I" Journalist Visas



<b>Exchange Visitors</b>			
J-1	Ineligible	An alien having a residence in a foreign country which he has no intention of abandoning who is a bona fide individual, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, who is coming temporarily to the United States as a participant in an approved program for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(J)(i)  8 CFR 214.2(j)
J-2	Ineligible	The spouse or minor child accompanying or following any such alien. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(J)(i)  8 CFR 214.2(j)
<b>Fiancé(e) or Spouse of US Citizen</b>			
K-1	<b>Eligible</b>	The fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety (90) days after admission. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(K)  8 CFR 214.2(k)
K-2	<b>Eligible</b>	The minor child of a K-1 or K-2 visa holder who is accompanying, or following to join, the alien. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(K)(ii)  8 CFR 214.2(k)
K-3	<b>Eligible</b>	An alien spouse of a citizen who is the beneficiary of a petition to accord immigrant status and seeks to enter the United States to await the approval of such petition. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(K)  8 CFR 214.2(k)
<b>Intracompany Transferee</b>			
L-1 L-1A L-1B	<b>Eligible</b>	An alien who, within 3 years preceding the time of application for admission into the United States, has been employed continuously for one year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and who seeks to enter the United States temporarily in order to continue to render services to the same employer or a subsidiary or affiliate thereof in a capacity that is managerial, executive, or involves specialized knowledge. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(L)  8 CFR 214.2(l)
L-2	<b>Eligible</b>	The alien spouse and minor children accompanying or following an L-1A or L-1B visa holder. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(L)  8 CFR 214.2(l)

<b>Vocational and Language Students</b>			
M-1	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning who seeks to enter the United States temporarily and solely for the purpose of pursuing a full course of study at an established vocational or other recognized nonacademic institution. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(M)(i) 8 CFR 214.2(m)
M-2	Ineligible	An alien spouse or minor child accompanying or following an M-1 visa holder. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(M)(ii) 8 CFR 214.2(m)
M-3	Ineligible	An alien who is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in M-1 above except that the alien's course of study may be full- or part-time, and who commutes to the United States institution or place of study from Canada or Mexico. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(M)(iii) 8 CFR 214.2(m)
<b>Certain Parents and Children of Special Immigrants</b>			
N-1	Ineligible	An alien parent of an alien accorded the status of special immigrant. Such individuals are not eligible to be reviewed for domicile.	
N-2	Ineligible	An alien child of such parent or of an alien accorded the status of a special immigrant. Such individuals are not eligible to be reviewed for domicile.	
N-8	<b>Eligible</b>	Parent of alien classified SK-3 "Special Immigrant" Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(N)(i)
N-9	<b>Eligible</b>	Child of N-8, SK-1, SK-2, or SK-4 "Special Immigrant" Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(N)(ii) through (iv)
<b>North American Free Trade Agreement</b>			
NAFTA		See TN, below	
<b>North Atlantic Treaty Organization</b>			
Ineligibility for in-state tuition relates to the Status of Forces Agreement stating that members of the force "shall not be considered as acquiring any right to permanent residence or domicile in the receiving state [the United States in this instance];" therefore, domicile is not possible for NATO 1-5 and NATO 7, but domicile is permissible for NATO 6 because they are civilians and not subject to this provision.			
NATO1	Ineligible	Principal Permanent Representative of Member State to NATO and resident members of official staff or immediate family. Such individuals are not eligible to be reviewed for domicile.	Not included in the INA Article 12, 5 US Treaties 1094 Article 20, 5 US Treaties 1098  8 CFR 214.2(s)

NATO2	Ineligible	Other representatives of member State; Dependents of Member of a Force entering in accordance with the provisions of NATO Status-of-Forces agreement; Members of such a Force if issued visas. Such individuals are not eligible to be reviewed for domicile.	Article 13, 5 US Treaties 1094 Article 1, 4 US Treaties 1794 Article 3, 4 US Treaties 1796  8 CFR 214.2(s)
NATO3	Ineligible	Official clerical staff accompanying Representative of Member State to NATO or immediate family. Such individuals are not eligible to be reviewed for domicile.	Article 14, 5 US Treaties 1096  8 CFR 214.2(s)
NATO4	Ineligible	Official of NATO other than those qualified as NATO-1 and immediate family. Such individuals are not eligible to be reviewed for domicile.	Article 18, 5 US Treaties 1096  8 CFR 214.2(s)
NATO5	Ineligible	Expert other than NATO officials qualified under NATO-4, employed on behalf of NATO and immediate family. Such individuals are not eligible to be reviewed for domicile.	Article 21, 5 US Treaties 1100  8 CFR 214.2(s)
NATO6	<b>Eligible</b>	Member of civilian component who is either accompanying a Force entering in accordance with the provisions of the NATO Status-of-Forces agreement or attached to an Allied headquarters under the protocol of the Status of International Military headquarters set up pursuant to the North Atlantic Treaty; and their dependents. These persons are eligible for special immigrant status that allows them to adjust to permanent resident. This implied dual intent provides eligibility for domicile review. Such individuals may be reviewed for domicile.	Article 1, 4 US Treaties 1794 Article 3, 5 US Treaties 877  8 CFR 214.2(s)
NATO7	Ineligible	Servant or personal employee of NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or immediate family. Such individuals are not eligible to be reviewed for domicile.	Articles 12-20, 5 US Treaties 1094 – 1098  8 CFR 214.2(s)  8 CFR 42.32(d)(5)
<b>Workers with Extraordinary Abilities</b>			
O-1	<b>Eligible</b>	An alien with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim who seeks to enter the United States to continue work in the area of extraordinary ability. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(O)(i)  8 CFR 214.2(o)(1), 8 CFR 214.2(o)(2), 8 CFR 214.2(o)(3)
O-2	Ineligible	An alien who seeks to enter the United States temporarily and solely for the purpose of accompanying and assisting in the artistic or athletic performances by an O-1 visa holder. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(O)(ii)  8 CFR 214.2(o)(4)
O-3	<b>Eligible</b>	The alien spouse or child accompanying or following an O-1 visa holder. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(O)(iii)  8 CFR 214.2(o)(5)

O-3	Ineligible	The alien spouse or child accompanying or following an O-2 visa holder. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(O)(iii) 8 CFR 214.2(o)(5)
<b>Athletes and Entertainers</b>			
P-1	Ineligible	An alien who seeks to enter the United States to perform as an artist or entertainer, individually or as part of a group, or is an integral part of the performance of such a group. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(P)(i) 8 CFR 214.2(p)(4)
P-2	Ineligible	An alien who seeks to enter the United States temporarily and solely for the purpose of performing as such an artist or entertainer or with such a group under a reciprocal exchange program. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(P)(ii) 8 CFR 214.2(p)(5)
P-3	Ineligible	An alien who seeks to enter the United States temporarily and solely to perform, teach, or coach as such as artist or entertainer or with such a group under a commercial program that is culturally unique. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(P)(iii) 8 CFR 214.2(p)(6)
P-4	Ineligible	The alien spouse or child of a P-1, P-2, or P-3 visa holder who is accompanying or following to join the alien. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(P)(iv) 8 CFR 214.2(p)(8)(iii)(D)
<b>International Cultural Exchange Visitors</b>			
Q-1	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning who is coming temporarily (for a period not to exceed 15 months) to the United States as a participant in an international cultural exchange program approved by the Secretary of Homeland Security for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of the country of the alien's nationality and who will be employed under the same wages and working conditions as domestic workers. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(Q)(i) 8 CFR 214.2(q)
Q-2	Ineligible	An alien having a residence in a foreign country which there is no intention of abandoning who is an alien citizen of the United Kingdom or the Republic of Ireland, 21 to 35 years of age, unemployed for not less than 12 months, and having a residence for not less than 18 months in Northern Ireland, or the counties of Louth, Monaghan, Cavan, Leitrim, Sligo, and Donegal within the Republic of Ireland, which the alien has no intention of abandoning who is coming temporarily (for a period not to exceed 24 months) to the United States as a participant in a cultural and	Walsh Visa Program INA Section 101(a)(15)(Q)(ii)(I) 8 CFR 214.2(q)(15)

		<p>training program approved by the Secretary of State and the Secretary of Homeland Security under section 2(a) of the Irish Peace Process Cultural and Training Program Act of 1998 for the purpose of providing practical training, employment, and the experience of coexistence and conflict resolution in a diverse society.</p> <p>Such individuals are not eligible to be reviewed for domicile.</p>	
Q-3	Ineligible	<p>The alien spouse or minor child who is accompanying or following a Q-1 or Q-2 visa holder.</p> <p>Such individuals are not eligible to be reviewed for domicile.</p>	<p>INA Section 101(a)(15)(Q)(ii)(II)</p> <p>8 CFR 214.2(q)(15)</p>
<b>Religious Workers</b>			
R-1	<b>Eligible</b>	<p>An alien who for the two years immediately preceding the time of application for admission, has been a member of a religious denomination having a bona fide nonprofit, religious organization in the United States.</p> <p>Such individuals may be reviewed for domicile.</p>	<p>INA Section 101(a)(15)(R)</p> <p>8 CFR 214.2(r)</p>
R-2	<b>Eligible</b>	<p>The alien spouse or child of the R-2 alien if accompanying or following to join the alien.</p> <p>Such individuals may be reviewed for domicile.</p>	<p>INA Section 101(a)(15)(R)</p> <p>8 CFR 214.2(r)</p>
<b>Witness or Informant</b>			
S-1	Ineligible	<p>Person in possession of critical reliable information concerning a criminal organization or enterprise who is willing to supply or has supplied such information to federal or state law enforcement authorities or court and whose presence in the United States the Attorney General determines is essential to the success of an authorized criminal investigation or prosecution.</p> <p>Such individuals are not eligible to be reviewed for domicile.</p>	
S-2	Ineligible	<p>Persons who both the Secretary of State and the Attorney General jointly determine: a. is in possession of critical reliable information concerning a terrorist organization, enterprise or operation; b. is willing or has supplied such information to federal law enforcement authorities or federal court; c. will be or has been placed in danger as a result of providing such information; and d. is eligible to receive an award under 22 U.S.C. §2708(a).</p> <p>Such individuals are not eligible to be reviewed for domicile.</p>	
S-5	Ineligible	<p>Informant of criminal organization information.</p> <p>Such individuals are not eligible to be reviewed for domicile.</p>	<p>INA Section 101(a)(15)(S)(i)</p>
S-6	Ineligible	<p>Informant of terrorism information.</p> <p>Such individuals are not eligible to be reviewed for domicile.</p>	<p>INA Section 101(a)(15)(S)(ii)</p>

S-7	Ineligible	An alien spouse, married or unmarried son or daughter, or parent of an alien witness or informant. Such individuals are not eligible to be reviewed for domicile.	INA Section 101(a)(15)(S)(ii)
<b>Victims of a Severe Form of Trafficking in Persons</b>			
Victims of Trafficking & Violence Protection Act of 2000			
T-1	<b>Eligible</b>	An alien who is or has been a victim of a severe form of trafficking in persons. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(T)(i) 8 CFR 214.11
T-2 T-3 T-4 T-5 T-6	<b>Eligible</b>	An alien spouse, child, unmarried sibling under 18 years of age or parent of a T-1 visa holder. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(T)(ii) 8 CFR 214.11(o)
<b>North American Free Trade Agreement (NAFTA)</b>			
TN	Ineligible	A Canadian or Mexican alien who seeks temporary entry into the United States to work in a TN-designated occupation. The alien must satisfy the inspecting immigration officer that the proposed stay is temporary. Such individuals are not eligible to be reviewed for domicile.	INA Section 214(e)(2) 8 CFR 214.6 Canadians: 8 CFR 214.6(d) Mexicans: 8 CFR 214.6(e)
TD	Ineligible	The alien spouse or minor child of a TN visa holder who seeks to enter to accompany or follow to join the alien. Such individuals are not eligible to be reviewed for domicile.	INA Section 214(e)(2) 8 CFR 214.6(j)
<b>Transit Without Visa</b>			
TWOV	Ineligible	Passenger of ship, airplane, or other vessel entering US port. Such individuals are not eligible to be reviewed for domicile.	INA Sections 212(d)(3) and 212(d)(5) 8 CFR 212.1(f)
TWOV	Ineligible	Crew of ship, airplane, or other vessel entering US port. Such individuals are not eligible to be reviewed for domicile.	INA Sections 212(d)(3) and 212(d)(5) 8 CFR 212.1(f)
<b>Victims of Certain Crimes</b>			
U-1	<b>Eligible</b>	An alien who has suffered substantial physical or mental abuse as a result of having been a victim of criminal activity; or possess information about criminal activity, or has been/could be helpful to law enforcement officials. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(U)
U-2	<b>Eligible</b>	The alien spouse, child, unmarried sibling under 18 yrs of age or parent accompanying or following the U-1 visa holder. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(U)
U-3	<b>Eligible</b>	The alien child accompanying or following the U-1 visa holder. Such individuals may be reviewed for domicile.	

U-4	<b>Eligible</b>	Parents of U-1 victim of rape, torture, or domestic abuse. Such individuals may be reviewed for domicile.	8 CFR 214.14
U-5	<b>Eligible</b>	Dependents of parents of U-1	8 CFR 214.14
Deferred Action for U visa	<b>Eligible</b>	Individuals eligible for the U-visa but not granted the document due solely to the annual cap on the numbers of visas granted are issued a "deferred action" which does permit domicile. Such individuals may be reviewed for domicile.	Legal Guidance
<b>Visa Waiver Program</b>			
VWP	Ineligible	Due to reciprocity agreements, the United States allows citizens from some countries to enter the country for business or pleasure without a visa. (e.g. Canada, Sweden, and others). Such individuals are not eligible to be reviewed for domicile.	Visa Waiver Program (Immigration.gov) Visa Waiver Program (Dept. of State)
<b>Certain Second Preference Beneficiaries</b> (Dept. of State: The New K and V Visas)			
V-1	<b>Eligible</b>	Spouse of a Legal Permanent Resident (LPR) who is the principal beneficiary of a family-based petition (Form I-130) which was filed prior to December 21, 2000, and has been pending for at least three years. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(V) 8 CFR 214.15
V-2	<b>Eligible</b>	Child of an LPR who is the principal beneficiary of a family-based visa petition (Form I-130) that was filed prior to December 21, 2000, and has been pending for at least three years. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(V) 8 CFR 214.15
V-3	<b>Eligible</b>	The derivative child of a V-1 or V-2. Such individuals may be reviewed for domicile.	INA Section 101(a)(15)(V) 8 CFR 214.15